SERVING CANADIANS

DEPARTMENT OF JUSTICE CANADA

Report on Plans and Priorities

2009-2010

Department of Justice Canada
Ministère de la Justice Canada

Canada

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MINISTER'S MESSAGE

I am pleased to present the Department of Justice's strategic plan for 2009-2010.

This document outlines how the Department intends to deliver on its dual mandate – maintaining the integrity of the justice system and helping improve access to justice; and providing effective and responsive legal and legislative services to the federal government.

Over the coming year, tackling crime and ensuring safe and secure communities will remain a priority for our Government. Legal provisions will continue to be strengthened in key areas such as organized crime, gang violence, gun crimes, identity theft, drug-related offences and youth crime. These provisions, while helping to promote efficiencies in the criminal justice system, will also better protect Canadians.

The Department will continue to provide legal support to departments and agencies that work to ensure sound budgeting, secure jobs for Canadians, expand investment and trade and play a key role in reforming global finance.

The Department also remains committed to management excellence through participating in initiatives to improve transparency and accountability to Parliament and Canadians. I am pleased to say that my Department's management performance ratings have been steadily increasing, and I recognize the professionalism and expertise of our employees.

I look forward to continuing to work with our partners in all levels of government, the legal community and all Canadians toward an efficient and accessible justice system.

The Honourable Rob Nicholson
Minister of Justice and Attorney General of Canada

SECTION I— DEPARTMENTAL OVERVIEW

Summary Information

Raison d'être

The justice system defines and prescribes the balance between collective and individual rights and responsibilities that ensure a well-ordered society. As such, it affects almost every facet of Canadians' daily lives; from guiding everyday activities that ensure our safety to supporting social policies and social benefits, regulating our economy, and offering ways to resolve disputes peacefully where there are disagreements or conflicts between individuals, organizations or governments.

Maintaining a system that serves all Canadians is a central focus for the Department of Justice Canada, which strives to ensure that the system remains fair, accessible and efficient as it evolves in response to social change.

The Department of Justice plays an important role in supporting the Government of Canada's priority of protecting Canadian families and communities. Furthermore, as a federal organization, the Department supports all of the Government's priorities, directly or indirectly, by providing an integrated suite of common legal services to federal departments and agencies.

Responsibilities

The Department of Justice is headed by the Minister of Justice and Attorney General of Canada. The responsibilities associated with the dual role of Minister of Justice and Attorney General are set out in the *Department of Justice Act* and some 47 other Acts of Parliament. The Department of Justice fulfils three distinctive roles within the Government of Canada, acting as:

- a policy department with broad responsibilities for overseeing all matters relating to the administration of justice that fall within the federal domain;
- a provider of a range of legal advisory, litigation and legislative services to government departments and agencies; and
- a central agency responsible for supporting the Minister in advising Cabinet on all legal matters, including the legality of government initiatives and activities.

Strategic Outcomes and Program Activity Architecture

In supporting the Minister of Justice and Attorney General of Canada, the Department of Justice strives to attain two strategic outcomes: (i) a fair, relevant and accessible justice system that reflects Canadian values; and (ii) a federal government that is supported by effective and responsive legal services.

The Department of Justice's two strategic outcomes reflect the dual responsibilities of the Minister of Justice and Attorney General of Canada. While the Minister of Justice is concerned with questions of policy, particularly as these relate to his role as a steward of the Canadian justice system, the Attorney General is the chief law officer for the Crown.

In support of the first strategic outcome, the Department has two program activities – Justice policies, laws and programs, and the Office of the Federal Ombudsman for Victims of Crime. The Department's program sub-activities (i.e. criminal justice, family justice, access to justice, Aboriginal justice, and private international and public law) in support of the first strategic outcome reflect the specific domains within which the Department supports the government's legal policy and program initiatives.

In support of its second strategic outcome, the Department has one program activity – Services to government. Through this program activity, the Department delivers an integrated suite of common legal advisory, litigation and legislative drafting services through a portfolio structure to government departments and agencies. These services support overall government priorities and promote respect for the rule of law and the Constitution.

Finally, in support of both strategic outcomes, the fourth program activity – Internal Services – provides governance and management support, resources management services as well as asset management services to the Department.

The graphic presentation of the Program Activity Architecture provided on the next page gives an overview of the activities and programs for which the Department is responsible, and reflects how strategic outcomes, program activities, and sub-activities are linked to provide results for Canadians.

Department of Justice Program Activity Architecture

Strategic Outcomes	**A fair, relevant and accessible justice system that reflects Canadian values**	**A federal government that is supported by effective and responsive legal services**	
	A1 Justice policies, laws and programs	**B1 Services to government**	**C1 Internal services**
	A1.1 Criminal justice	B1.1 Legal services to government-at-large and the Justice Portfolio	C1.1 Governance and Management Support
	A1.2 Family justice	B1.2 Legal services to the Aboriginal Affairs Portfolio	C1.2 Resource Management Services
	A1.3 Access to justice	B1.3 Legal services to the Business and Regulatory Law Portfolio	C1.3 Asset Management Services
	A1.4 Aboriginal justice	B1.4 Legal services to the Central Agencies Portfolio	
	A1.5 Private international and public law	B1.5 Legal services to the Citizenship, Immigration and Public Safety Portfolio	
		B1.6 Legal services to the Tax Law Portfolio	
	A2 Office of the Federal Ombudsman for Victims of Crime		

Planning Summary

Financial Resources (in millions of dollars)

2009-2010	2010-2011	2011-2012
924.5	907.0	898.5

Human Resources (Full-Time Equivalent — FTE)

2009-2010	2010-2011	2011-2012
4,520	4,520	4,512

For fiscal year 2009-2010, departmental planned spending is estimated as $924.5M. In order to deliver on its mandate, the Department will employ approximately 4,520 full-time equivalents (FTE). The table below outlines what results will be achieved for Canadians with the resources appropriated by Parliament.

Strategic Outcome I:
A fair, relevant and accessible justice system that reflects Canadian values

Performance Indicators
- Level of confidence in the justice system
- Canada's relative international ranking with respect to fairness of the justice system
- Bills and initiatives to address justice system issues

Targets
- Level of public confidence in the justice system remains stable or improves
- To maintain or improve Canada's high relative international ranking on justice issues

Program Activity	Forecast Spending ($ millions)	Planned Spending			Alignment to Government Outcomes
	2008-2009	2009-2010	2010-2011	2011-2012	
A1. Justice policies, laws and programs	436.9	431.5	424.1	417.4	Safe and secure communities
A2. Office of the Federal Ombudsman for Victims of Crime	1.2	1.3	1.3	0.0	Safe and secure communities
Total Planned Spending	**438.1**	**432.8**	**425.4**	**417.4**	

Strategic Outcome II:
A federal government that is supported by effective and responsive legal services

Performance Indicators

- Levels of effort (number of files, time) devoted to the three types of legal services provided: civil litigation, advisory and legislative/regulatory drafting
- Risk management of litigation inventory (level of effort by risk)
- Use of alternative dispute resolution to resolve disputes

Program Activity	Forecast Spending ($ millions)	Planned Spending			Alignment to Government Outcomes
	2008-2009	2009-2010	2010-2011	2011-2012	
B1. Services to government	483.6	381.3	372.2	372.0	Provision of government services
Total Planned Spending	**483.6**	**381.3**	**372.2**	**372.0**	

In addition to and in support of these Strategic Outcomes, the Department allocates significant financial and human resources to Program Activity C1. Internal Services.

Program Activity	Forecast Spending ($ millions)	Planned Spending			Alignment to Government Outcomes
	2008-2009	2009-2010	2010-2011	2011-2012	
C1. Internal Services[1]	0.0	110.4	109.4	109.1	Safe and secure communities Provision of government services
Total Planned Spending	**0.0**	**110.4**	**109.4**	**109.1**	

1 Starting in 2009-2010, departments are required to report internal services separately. In previous years, funding for internal services was embedded in Strategic Outcomes I and II.

Contribution of Priorities to Strategic Outcomes

Priorities	Type	Linked to Strategic Outcome:	Description
Operational Priorities			
Develop law reform proposals in support of safe and secure communities	Previously committed to	SO I	Strengthen the law in key areas such as youth crime, organized and gang-related crime, identity theft and drug-related offences.
Directly and indirectly support implementation of government priorities through the provision of high-quality legal services	Ongoing	SO II	On a portfolio-by-portfolio basis, provide critical legal services that support client departments to implement government priorities.
Management Priorities			
Transform the Departmental Law Practice Model for the delivery of legal services across government	New	SO II	Creating efficiencies in the management of resources devoted to the delivery of legal services across government through closer monitoring and matching of assigned work based on required legal practitioner competencies.
Improved support for law practice management across government	Ongoing	SO II	Enhance law practice management capacity and practices through the development and enhancement of tools and processes related to knowledge management, legal risk management, legal information and systems and quality assurance.
Renewal of our legal practitioner work force	Previously commited to	SO I and SO II	Renewing the legal practitioner work force in light of demographic changes will require integrated planning, targeted recruitment, employee development and retention strategies and a commitment to diversity in the workplace.

Risk Analysis

Legal services to government

There are three interrelated sets of risks that can have significant impacts on our capacity to continue to deliver high-quality legal services to government. The first risk revolves around our ability to continue to retain and recruit the best and the brightest legal professionals in the face of significant competitive pressures from other public sector organizations – particularly the provincial governments. To mitigate the potential negative impacts, we are developing initiatives to renew our work force in light of the significant demographic shifts in Canada, including the aging of the work force and the increasingly diverse nature of the population.

A second area of risk is our capacity to continue to adapt effectively to the rapidly evolving nature and complexity of the substantive issues and priorities of the government and the associated need for legal services. To mitigate this set of risks the Department works closely with client departments to identify legal risks and to jointly develop mitigation strategies. In addition, the Department is transforming its law practice model in order to address the changing nature of our work.

The third set of risks concerns our capacity to address the rapid changes in law practice management – particularly the sheer growth in the speed and volume of information that is crucial to effective management of the government's law practice. In this regard, the Department focuses on developing and enhancing tools and systems to support effective knowledge management, legal risk management, and quality assurance.

Justice policies, laws and programs

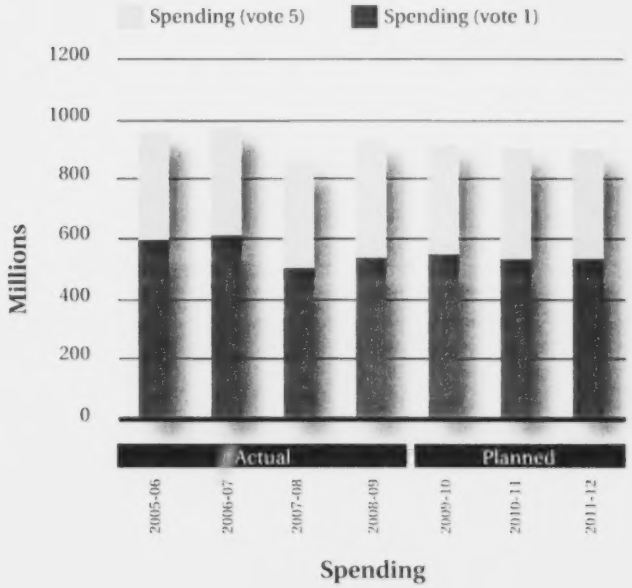
Many factors influence our operating environment and thus pose potential risks to our capacity to effectively deliver on Justice policies, laws, and programs. Primary among these is the increasingly complex and interrelated nature of the issues and pressures for which Canadians rely on the justice system, which in turn has significant impacts on the processes of policy development and law reform.

To mitigate the associated risks, and in recognition that the justice system is multi-tiered and beyond the capacity of the Department alone to influence, we work with others, including the police, the judiciary, provincial governments, and non-governmental and community-based organizations to develop innovative ideas about how to improve access to justice, while respecting Canadians' the diverse nature and needs.

Expenditure Profile

As may be seen in the following chart, with the exception of fiscal year 2007-2008, the Department has consistently experienced a slight increase in spending. This constant growth is primarily the result of increasing demand for legal advisory, litigation and legislative services from other government departments and agencies, and transfers to provinces and territories.

Department of Justice: Spending Trend



In 2007-2008, the Department of Justice's budgets and spending were reduced by $102 million as a result of the creation of the Public Prosecution Service of Canada (PPSC) in December 2006.

In 2008-2009, the Department is forecasting an increase in spending of $54 million. These additional costs supported the implementation of programs to promote access to the justice system in both official languages, to provide legal aid for those facing charges under the *Public Safety and Anti-Terrorism Act* and support the National Anti-Drug Strategy. The Department also saw an increase in spending on legal services to other departments in support of government priorities in the areas of Aboriginal affairs, the environment, health, and public safety and security.

In fiscal year 2009-2010, the Department plans to spend $432.8 million to promote a fair, relevant and accessible justice system that reflects Canadian values; $381.3 million (including cost recoveries) to ensure that the federal government is supported by effective and responsive legal services; and $110.4 million for internal support services.

Voted and Statutory Items

This table illustrates the way in which Parliament approved Justice resources, and shows the changes in resources derived from supplementary estimates and other authorities, as well as how funds are to be spent.

Voted and Statutory Items displayed in the Main Estimates ($ millions)

Vote # or Statutory Item	Truncated Vote or Statutory Wording	2008–2009 Main Estimates	**2009–2010 Main Estimates**
1	Operating expenditures	265.4	**257.4**
5	Grants and contributions	367.5	**370.5**
(S)	Contributions to employee benefit plans	63.3	**61.4**
(S)	Minister of Justice—Salary and motor car allowance	0.1	**0.1**
	Total Department of Justice[2]	**696.3**	**689.4**

[2] Main estimates exclude the funds provided under Net Voting Authority (cost recoveries) except EBP portion.

SECTION II – ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Strategic Outcome I: A fair, relevant and accessible justice system that reflects Canadian Values

The Department of Justice works with partners across the federal, provincial and territorial levels of governments and with stakeholders across Canada to develop and maintain a fair, relevant and accessible justice system that reflects Canadian values.

There are three core expected results related to this strategic outcome:

- The Department continually responds to the evolving legal framework.
- Policies and laws are developed in response to identified needs and gaps, and are integrated with Government of Canada priorities and commitments.
- Programs are developed and implemented in response to identified needs and gaps, and are integrated with Government of Canada priorities and commitments.

The Department seeks to attain this strategic outcome through two program activities: Justice policies, laws and programs and the Office of the Federal Ombudsman for Victims of Crime.

Program Activity A1 : Justice policies, laws and programs

Human Resources (FTEs) and Planned Spending ($ millions)

2009–2010		2010–2011		2011–2012	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
298	431.5	298	424.1	298	417.4

Program Activity Expected Results	Performance Indicators	Targets
Sustainable national justice system	• Trends in per capita spending by all levels of government in Canada on the justice system • Trends in lag time from charges to court resolution • Trends in the crime index (new data to be collected by Statistics Canada – Centre for Criminal Justice Statistics beginning in 2009-2010)	Establish baselines

Overview

Under Canada's federal system, the administration of justice is an area of shared jurisdiction between the federal government and the provinces. Through this program activity, the Department fulfills its constitutional responsibility to ensure a bilingual and bijural national legal framework for the administration of justice by developing policies, laws and programs to strengthen the national framework within the following domains: criminal justice; family justice; access to justice; Aboriginal justice; and private international and public law.

As well, in recognition of the federal government's shared interest in a sustainable justice system, the Department also provides significant ongoing funding to provinces and territories for the delivery of programs that directly support federal policy objectives, including legal aid, youth justice services, and the Aboriginal justice services.

The Department has five sub-activities that support its policies, laws and programs. The remainder of this section highlights (for each program sub-activity) some of the major initiatives upon which the Department will be engaged in 2009-2010.

1. Criminal Justice

Expected Results

- Criminal law is reformed to respond to emerging issues
- Canadians have a positive perception of the criminal justice system

Performance Indicators

- Trends in justice process (average length of a case, use of police discretion and sentencing variances)
- Trends in outcome fairness (proportionate sentences, wrongful convictions etc.)
- Trends in the ratio of chargeable incidents (i.e. founded incidents) to charges laid for criminal offences
- Trends in self-reported victimization
- Trends in public perceptions of personal safety
- Trends in public perceptions of the justice system

Summary

Canadians rely on the justice system to ensure a safe, secure society. The Department strives to ensure a fair, relevant and accessible justice system for Canadians by developing options for criminal law reform.

Criminal Law Reform

Criminal justice activities derive from the Minister's responsibilities under the *Department of Justice Act* and the *Constitution Act*, which state that criminal law – not including the constitution of the courts of criminal

jurisdiction, but including criminal procedure – is a matter of exclusive federal authority. In essence, the Criminal Justice Program supports the Minister's core role in establishing and promoting effective and responsive criminal law in Canada. As such, the programs monitor trends in criminal law, develop and implement options for criminal law reform, and provide a centre of expertise for criminal law and procedure, criminal justice policy, evidence law, sentencing, and victims issues.

Youth Justice

The youth justice system applies criminal and correctional law to youth between 12 and 18 years of age at the time of the alleged offence to hold them accountable for their crimes through processes and proportionate penalties adjusted for the age of the youth and that promote rehabilitation. As part of its mandate, the Department of Justice implements policies, programs, and laws, and develops options for policy, program and legislative reform to achieve a fairer and more effective system that responds to emerging youth criminal justice issues. To do so, the Department monitors trends, recommends amendments to the *Youth Criminal Justice Act*, and provides various levels of funding to the provinces and territories to encourage support for federal and national justice priorities through the administration of justice. Also, grant and contribution project funds are available through the Youth Justice Fund for non-governmental organizations, youth justice stakeholders, Aboriginal organizations, and provinces and territories to help promote and implement alternative approaches to youth justice practices.

Victims of Crime

The Department of Justice coordinates the federal Victims of Crime Strategy, including all relevant federal legislation and programs within the Justice mandate. The Department works with the provinces and territories to develop policies and projects aimed at enhancing the role of the victim in the criminal justice system and achieving a better balance between the rights of victims and offenders.

International Criminal Justice

Globalization and technological developments have led to a rapid increase in transnational crime that threatens the security of Canadians. Domestic means alone cannot effectively deal with these transnational criminal activities; there is a need for a coordinated international response. The Department of Justice advances Canadian interests in the development of global anti-crime and terrorism measures, and assists other countries with domestic crime problems that can affect the safety of Canadians at home.

The participation of Justice officials in intergovernmental bodies over the past year has expanded the capacity and knowledge base for criminal law

policy development in Canada, articulated Canadian knowledge and values internationally, and served Canada's global interests in preventing and suppressing crime, while promoting the rule of law, human rights and principles of sustainable development.

Criminal Justice Planning Highlights

Criminal Law Reform — coordinating and leading consultations with provinces and territories as well as other stakeholders to:

- Develop criminal law reform proposals, including youth crime, organized and gang-related crime, identity theft and drug-related offences in support of Government priorities;
- support the implementation and coordination of the National Anti-Drug Strategy; and
- work to modernize and streamline the criminal justice system by maximizing the use of technology and allowing more flexible procedures with respect to, among other things, routine police evidence.

Youth Justice:

- support the review of the Youth Criminal Justice Act and any resulting legislative, policy, and/or program reforms; and
- manage the Youth Justice Services Funding Program and the implementation of the renewed Intensive Rehabilitative Custody and Supervision (IRCS) Program.

Victims of Crime — continue working with the Federal-Provincial-Territorial Working Group on Victims of Crime, the Victim Advisory Committee, and other partners to:

- identify and respond to existing and emerging victim issues;
- manage the Victims Fund and implement new components of the Federal Strategy for Victims of Crime; and
- implement the recommendations from the latest evaluations of the Victims of Crime Initiative.

International Criminal Justice — enhance capacity to work with international partners in dealing with global crime and security threats promptly and effectively by:

- participating in government-wide initiatives in support of Canada's international and foreign policy objectives;
- developing a cohesive strategy for Justice's priorities for Canada's presidency of the G8 in 2010;
- developing proposals for extradition reform to enhance the efficiency of Canada's extradition regime while safeguarding the constitutional rights of those sought for extradition; and
- coordinating the position of the Canadian delegation for the 12th United Nations Congress on Crime Prevention and Criminal Justice.

2. Family Justice

Expected Results

- Increased compliance by parents with the terms and conditions of family support, custody and access obligations

Performance Indicators

- Trends in compliance/non-compliance with family law obligations

Summary

In support of Family Justice, the Department contributes to the development and maintenance of a family justice system that tailors decisions to the individual needs of families, including children experiencing separation or divorce. The Department develops and implements policy and program initiatives and family law reforms in consultation with the provinces and territories. Specifically, the Department provides analysis, advice and litigation support in areas of marriage, divorce, and child support, as well as enforcement of support and custody or access.

Furthermore, the Department administers the Family Law Assistance Services (FLAS), maintains the Central Registry of Divorce Proceedings (CRDP), and supports enforcement services of the provincial and territorial Maintenance Enforcement Programs (MEPs).

Family Justice Planning Highlights

- Negotiate additional child support recalculation agreements with certain provinces.
- Manage the departmental components of the Federal Elder Abuse Initiative and the Family Violence Initiative (FVI), and conduct the evaluation of the Justice FVI.
- Co-chair the Interdepartmental Working Group on Children and convene an event for the 20th anniversary of the UN Convention on the Rights of the Child.
- Improve FLAS operations to better meet the demands for service, which would include systems upgrade to its various registries.
- With the help of provincial and territorial partners, assess feasibility and desirability of Canada's implementing the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.
- Manage and facilitate the development of two national surveys on family law matters.

3. Access to Justice

Expected Results

- Fair and efficient legal proceedings

Performance Indicators

- Public perceptions regarding access to justice
- Number of stays in proceedings due to lack of counsel
- Number of instances of court-ordered counsel

Summary

Access to justice initiatives provide an important structural support to an efficient and effective justice system, and as such underpin public confidence in the justice system. The provision and funding of access to justice is a shared jurisdiction between the federal government and the provinces and territories.

The Department works with provinces and territories and with non-governmental and community-based organizations to develop and implement policies and laws that enhance access to justice, including access to justice in both official languages, while respecting the diverse nature and needs of all Canadians.

Among its various activities, the Department provides significant, ongoing funding to the provinces for criminal legal aid. Under this program, economically disadvantaged adults facing serious and/or complex criminal charges and youths charged under the *Youth Criminal Justice Act* receive legal aid services. In the territories, federal funding for criminal and civil legal aid is provided through access to justice services agreements that also integrate support for the Aboriginal Courtwork Program and public legal education and information services.

Over the next year, the Department will focus on implementing new legal aid agreements and will continue to work in collaboration with jurisdictions to develop a sustainable legal aid strategy.

Access to Justice Planning Highlights

- Implement and manage funding agreements with provinces respecting criminal legal aid, and continue to work in collaboration with jurisdictions on the development of a sustainable legal aid strategy.
- Implement and manage new funding agreements with territories for access to justice services agreements.
- Develop and implement a Legal Aid Program Impact Evaluation.
- Contribute to public safety and lead a horizontal review of the *Immigration and Refugee Protection Act* (IRPA) amendments introducing the Special Advocate Regime.

4. Aboriginal Justice

Expected Results

- Increased involvement of Aboriginal communities in the local administration of Justice

Performance Indicators

- Number of communities with Aboriginal Justice Strategy projects
- Number of communities undertaking capacity building and training to support the administration of justice
- Number of clients served by Aboriginal justice programs (year-over-year data)

Summary

Within this domain, the Department develops and implements policies and laws aimed at addressing the needs of Aboriginal people in the justice system. It has been widely documented that Aboriginal people continue to be overrepresented in the Canadian criminal justice system, both as victims and as accused. The needs of Aboriginal people related to culture, economic position and/or social circumstances must be taken into account to make the system more relevant and effective.

The Department takes specific measures to respond to the overrepresentation of Aboriginal people in the justice system through initiatives such as the Aboriginal Justice Strategy (AJS) and the Aboriginal Courtwork Program (ACW). The AJS strengthens the justice system by enabling Aboriginal communities to have increased involvement in the local administration of justice and by providing timely and effective alternatives to mainstream justice processes in appropriate circumstances, thereby allowing the mainstream system to focus its energies and resources on more serious offences.

The Department also improves access to justice for Aboriginal people by providing ongoing contribution funding to the provinces for the Aboriginal Courtwork Program to ensure that Aboriginal people in contact with the criminal justice system receive fair, equitable, and culturally sensitive treatment. The Aboriginal Courtwork Program works within the mainstream justice system to provide direct services (information, non-legal advice and referrals) to all Aboriginal people (both adults and youth) in conflict with the justice system, and it facilitates communication between the accused and criminal justice officials.

Aboriginal Justice Planning Highlights

- Continue the implementation and ongoing management of the Aboriginal Justice Strategy program components in collaboration with the provinces and territories and with Aboriginal communities.
- Conduct a community trends analysis for the Aboriginal Justice Strategy and use mapping software to map out Aboriginal Justice Strategy and Aboriginal Courtwork Programs throughout Canada.
- Implement revised governance structures for the Tri-Partite Working Group for the Aboriginal Courtwork Program.
- Complete a formative evaluation of the Aboriginal Justice Strategy's 2007-2012 mandate.

5. Private International and Public Law

Expected Results

- The Minister of Justice is supported by highly specialized legal policy advice on issues that cut across government, such as human rights, information law and privacy, private international law and public law policy

Performance Indicators

- Level of effort (number of active files for which legal policy advice is provided/ total hours per file hours) allocated to providing highly specialized legal policy advice to Minister and senior officials
- Position papers on private members bills relating to public law policy issues
- Bills/regulations drafted in relation to access to information and privacy

Summary

The Minister of Justice has policy responsibilities for a number of public law statutes, including but not limited to the *Access to Information Act*, the *Privacy Act*, the *Judges Act*, the *Canadian Human Rights Act*, and statutes constituting the federal courts, the Tax Court and the Supreme Court. The Department also provides support to the Minister in relation to his portfolio responsibilities for the Offices of the Information and Privacy Commissioners, the Canadian Human Rights Commission, and the Canadian Human Rights Tribunal.

In the area of international private law, the federal government has the authority to negotiate, sign and ratify international treaties by virtue of the Crown prerogative. The Department of Justice ensures Canada is an active and respected member of four international multi-lateral legal organizations: the United Nations Commission on International Trade Law; the Hague Conference on Private International Law; the International Institute for the Unification of Private Law; and the Organization of American States' Inter American Specialized Conference on Private Law.

Private International and Public Law Planning Highlights

- Develop legal policies on the negotiation of globally harmonized legal rules for international commercial transactions, and facilitate their implementation across Canada.
- Support the Minister of Justice in respect of his responsibility for all policy issues related to the superior courts and the federal courts, and in his role as government interlocutor with the judiciary.
- Provide legal and policy advice on increasingly complex privacy and access to information issues related to law enforcement and public safety initiatives across the government and the use of new technology, including biometrics.

Program Activity A2: Office of the Federal Ombudsman for Victims of Crime

Human Resources (FTEs) and Planned Spending ($ millions)

2009–2010		2010–2011		2011–2012	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
8	1.3	8	1.3	-	0.0

Overview

The Office of the Federal Ombudsman for Victims of Crime was established in 2007–2008. The Ombudsman operates at arm's length from the federal departments responsible for victim issues, namely the Department of Justice and the Department of Public Safety. The Ombudsman reports directly to the Minister of Justice[3] and is therefore outside the Department's governance framework. The Office is physically housed within the Department of Justice which also provides it with corporate services support.

The mandate of the Federal Ombudsman for Victims of Crime relates exclusively to matters of federal responsibility and includes:

- facilitating access of victims to existing federal programs and services by providing them with information and referrals;
- addressing complaints of victims about compliance with the provisions of the *Corrections and Conditional Release Act* that apply to victims of offenders under federal supervision and providing an independent resource for those victims;
- enhancing awareness among criminal justice personnel and policy makers of the needs and concerns of victims and the applicable laws that benefit victims of crime, including to promote the principles set out in the *Canadian Statement of Basic Principles of Justice for Victims of Crime*; and
- identifying emerging issues and exploring systemic issues that impact negatively on victims of crime.

3 The Federal Ombudsman tables his reports to Parliament through the Minister of Justice. For further information regarding the Office of the Federal Ombudsman for Victims of Crime, please consult http://www.victimsfirst.gc.ca

Strategic Outcome II: A federal government that is supported by effective and responsive legal services

Under the *Department of Justice Act*, the Minister of Justice and Attorney General provides legal services to the federal government and its department and agencies. In particular, under section 4 of the *Act*, the Minister is identified as the legal member of the Queen's Privy Council responsible for seeing that the administration of public affairs is in accordance with the law. Under section 5 of the *Act*, the Attorney General is responsible for advising the heads of government departments on all matters of law and for conducting all litigation for or against any federal department or agency of the Crown in respect of any subject within the authority or jurisdiction of Canada.

There are two ongoing expected results related to this strategic outcome:
- High-quality legal services and respect for the rule of law
- Legal risks are anticipated, mitigated and effectively managed

The Department seeks to attain this strategic outcome through one program activity — Services to Government.

Program Activity B1: Services to Government

Human Resources (FTEs) and Planned Spending ($ millions)

2009–2010		2010–2011		2011–2012	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
2,702	381.3	2,702	372.2	2,702	372.0

Program Activity Expected Results	Performance Indicators
Representing the Crown's interest to enable the government to attain its priorities	• Trends in Crown results for litigation files – final litigation outcome indicators • Profile of major Supreme Court of Canada cases
Comprehensive delivery of the Government's legislative agenda	• Trends in number of bills tabled in the House of Commons • Trends in the number of Regulations published in the *Canada Gazette* • Trends in the number of government responses to private members bills
Client-focused service delivery	• Client feedback on responsiveness, timeliness, and usefulness of legal services (target of 8.0 out of 10)

Overview

The Department provides an integrated suite of common legal advisory, legislative and regulatory drafting and litigation services to help departments and agencies meet their policy and programming priorities and advance the overall objectives of the government.

The alignment of legal services to government priorities is achieved in particular through annual joint Department of Justice and client department planning and prioritizing of the provision of legal services and a shared understanding of the impacts on legal risks. In addition, senior departmental officials regularly interact with their colleagues in their client departments and in central agencies. As a result, adjustments are made from time to time to maintain focus on government priorities.

As the government's legal advisor, the Department delivers services through five portfolios – Aboriginal Affairs; Business and Regulatory Law; Central Agencies; Citizenship, Immigration and Public Safety; and Tax Law Services. Through this portfolio structure, the Department provides advisory, non-criminal litigation and legislative / regulatory drafting services to federal departments and agencies.

Additionally, through the Justice Portfolio, the Department maintains specialized expertise in order to be able to act as a core resource for federal government departments and the government as a whole on highly specialized areas of the law, on litigation as well as on the drafting of legislation and regulations.

The Department provides the legal services through:

- a network of 42 departmental legal services units (DLSUs) and 4 departmental regulations sections, which are co-located with client departments and agencies;
- specialized legal capacities within national headquarters, including the Litigation Branch, the Legislative Services Branch, and the Public Law Sector; and
- a network of regional offices and sub-offices providing local-level services to federal departments and agencies in the North, British Columbia, the Prairies, Ontario, Quebec, and the Atlantic provinces.

1. Aboriginal Affairs Portfolio

Summary

The Aboriginal Affairs Portfolio provides expert legal and legal policy advice to the Crown and to client departments, notably Indian and Northern Affairs Canada (INAC), on a broad range of Aboriginal law issues that affect government as a whole. These issues include Aboriginal rights and title, duty to consult, treaty rights, the fiduciary relationship of the Crown with Aboriginal peoples, and constitutional and Charter issues relating to Aboriginal law, and more broadly the role of the law in support of the honour of the Crown and reconciliation between the Crown and Aboriginal Canadians.

Aboriginal Affairs Portfolio Planning Highlights

- Support the Minister of Justice's priorities with respect to Aboriginal issues as well as providing legal policy support for the Minister's role in policy development in areas such as Aboriginal justice.
- Support the Minister of Indian and Northern Affairs' long- and short-term Aboriginal agenda by providing legal support for the Specific Claims reform initiative, implementation of the Indian Residential Schools Settlement Agreement, the renewal of various authorities, INAC longer-term structural reforms, and INAC legislative initiatives, as well as a number of treaty negotiations.
- Provide strategic legal advice and legal advisory services to federal departments on a wide spectrum of key Aboriginal horizontal issues and cross-cutting federal aboriginal-related policy issues, such as supporting economic development on reserves, as well as Canada's Action Plan on the Duty to Consult and Canada's Northern Strategy, as well as effectively manage and mitigate legal risks and develop strategies that balance government interests with respect to Aboriginal issues, and
- Represent the Crown's interest in major litigation such as the *Roger William* Aboriginal title proceedings, the *McIvor* Indian status appeal, the Assembly of First Nations' complaint to the Canadian Human Rights Commission over child and family services on reserves, and the Manitoba Métis Federation case.

2. Business and Regulatory Law Portfolio

Summary

The Business and Regulatory Law Portfolio is responsible for providing legal services to 20 client departments and agencies. Issues include environmental protection, transportation regulatory matters, fisheries management and health protection, intellectual property, energy projects, cultural protection, international development, etc.

Counsel and paralegals in this Portfolio provide legal advice to clients, help manage legal risk, conduct and support cases in court brought by, or against, the Crown, and assist in the development of regulations and legislation. Many of the key clients maintain extensive national presence, and the Portfolio thus delivers services to regional client departments in most provinces and territories through the network of departmental regional offices across Canada.

Business and Regulatory Law Portfolio Planning Highlights

- Support Industry Canada in its central role in addressing the substantial economic challenges that Canada faces in the context of global market conditions.
- Work with regions and DLSUs to manage litigation risks and advisory pressures related to mega gas pipeline projects across Canada.
- Support Health Canada in bringing in significant amendments to the *Food and Drug Act* – Bill C-51 and the *Canada Consumer Product Safety Bill* – Bill C-52.
- Negotiate, draft and implement federal-provincial agreements to transfer labour market programs to the provinces.
- Advise Canadian Heritage and other federal departments and agencies in relation to the 2010 Olympic and Paralympics Winter Games.
- Support the five-year review of the *Canadian Environmental Protection Act, 1999*, and the Chemical Management Plan, environmental initiatives and the prosecution of environmental laws.
- Develop the regulatory regime for the *Assisted Human Reproduction Act*.

3. Central Agencies Portfolio

Summary

The Central Agencies Portfolio serves the Department of Finance, the Treasury Board Secretariat, the Canada Public Service Agency, the Canada School of Public Service, the Public Service Commission, the Office of the Superintendent of Financial Institutions, the Financial Transactions and Reports Analysis Centre of Canada, and the Financial Consumer Agency of Canada. The Portfolio provides integrated legal advisory, non-criminal litigation and drafting services on fiscal, economic, and tax issues, federal-provincial fiscal arrangements, financial services, social affairs, accountability, machinery of government, comptrollership, human resources management, labour and employment law, financial sector practices, financial institutions, banking, money laundering, terrorist financing, commercial law, and Crown law issues.

Central Agencies Portfolio Planning Highlights

- Provide legal advice on government priorities, including various initiatives to address the economic crisis such as guarantees, the preparation of the federal budget and various implementing legislation, implementation of amendments to equalization programs, employment insurance issues, securities regulation, the asset-backed commercial paper crisis, legislation governing financial institutions, Islamic banking, pension reform, and the negotiation of various public service collective agreements. The Portfolio will also advise on the implementation of a new conflict of interest code for Finance and support the new Ethics Office (Finance).
- Provide legal advice on the upcoming five-year review of the *Public Service Employment Act* (PSEA).
- Support the development of a new compliance framework for consumer provisions of federal legislation applicable to financial institutions regulated by the Financial Consumers Agency of Canada and support the continuing development and roll-out of that Agency's financial literacy programs.
- Monitor and contribute to the management of major litigation, such as the Federation of Law Societies case (*Law Society of British Columbia v. Attorney General of Canada* is the test case), *Ault et al. v. Canada* (3rd Party Claims against Loba and Parent), and the Marine Atlantic Inc. pension litigation (*Dana P. Cousins et al. v. Attorney General of Canada*).

4. Citizenship, Immigration and Public Safety Portfolio

Summary

The Citizenship, Immigration and Public Safety (CIPS) Portfolio provides legal advisory, legislative and litigation services to federal organizations whose mandates include citizenship, immigration, multicuturalism, combating war crimes, the promotion of public safety and emergency preparedness, and national defence. These organizations are: Citizenship and Immigration Canada, the Canadian Forces and the Department of National Defence, the Communications Security Establishment, Public Safety Canada, the Canada Border Services Agency, the Canadian Security Intelligence Service, the Royal Canadian Mounted Police, the Correctional Service of Canada, and the National Parole Board. The CIPS Portfolio is also responsible for managing the Department of Justice's Crimes Against Humanity and War Crimes Program.

Citizenship Immigration and Public Safety Portfolio Planning Highlights

- Support the government's initiatives on security, emergency management, border management and corrections. This includes providing legal advice on the enhancement of review mechanisms for national security agencies, as part of the follow-up to the Arar (Part II) and Brown reports. In addition, CIPS counsel will be involved in developing a legal framework for the government with respect to balancing security and privacy imperatives on information sharing between government departments. CIPS lawyers will also participate in emergency preparedness activities for the 2010 Vancouver Olympics.
- Support the government's citizenship, immigration and multiculturalism initiatives. The CIPS Portfolio will also provide legal support to Citizenship and Immigration Canada in relation to various initiatives, including the implementation of Bill C-37 (*Citizenship Act* provisions dealing with adoptions and citizenship anomalies), refugee reform, citizenship revocation, biometrics, inventory management and backlog reduction, and recognition of foreign credentials. It will also provide advice with respect to redress litigation under the multiculturalism program.
- The Portfolio will continue to provide support in key litigation files such as security certificates, civil claims by persons alleging mistreatment by states other than Canada, travel restrictions for national security reasons, the listing of terrorist entities, and the transfer of detainees to Afghan authorities.

5. Tax Law Services Portfolio

Summary

The Tax Law Services Portfolio is a comprised of approximately 300 counsel dedicated to providing legal services to the Canada Revenue Agency (CRA). Tax Law Services offices are located at CRA headquarters, Department of Justice headquarters, and in all Justice's regional offices. Portfolio legal services for the CRA include representing the Crown in all tax matters, such as appeals filed to the courts by taxpayers, as well as collection matters, EI /CPP insurability appeals, civil law suits and class actions. Additionally, the Portfolio assists the CRA through legal advice in respect of corporate issues and all income tax, commodity tax and benefit programs. Portfolio counsel provide legal advice as members of the CRA's work teams during the implementation of specific initiatives outlined in the government's priorities. The Portfolio works in close collaboration with the CRA to develop amendments to tax-related legislation, to articulate fiscal policies, and to administer Canadian tax regimes. Portfolio counsel also work to ensure that fiscal laws are upheld and that the CRA has the legal support it needs to ensure that taxpayers meet their obligations and to protect Canada's revenue base.

Tax Law Services Portfolio Planning Highlights

- Participate with the CRA in the implementation of new tax and benefit policies and legislation that support the government's economic, social and fiscal priorities.
- Support the CRA's heightened compliance activities, including introduction of the new excise stamping regime for tobacco products, and in large business audits, specifically in the areas of aggressive tax planning and international tax, addressing increasingly complex tax shelter cases, international compliance issues, tax treaty abuses and residency determinations.
- Provide legal advice and litigation services that support the CRA's increased efforts to collect outstanding taxes and manage the level of tax debt.
- Provide legal support for the CRA's new partnership with Ontario for the Corporate Tax Administration, fully integrating the Ontario corporate audit, objections and ruling functions.
- Address litigation issues arising from group appeals by large numbers of taxpayers on similar issues.
- Support the CRA's focus on risk management for all litigation matters and its contingent liabilities.

6. Justice Portfolio

Summary

The Department also provides legal services through the Justice Portfolio to the Minister of Justice and Attorney General of Canada as well as, in situations where the interests affect the government at large (i.e. the issues are broader than one portfolio).

The Justice Portfolio consists of three specialized groups within the Department: the Public Law Sector, the Litigation Branch, and the Legislative Services Branch. The Portfolio provides specialized legal advisory, litigation and legislative services to all government departments and agencies both directly and indirectly, by supporting the five other operational Department portfolios.

Furthermore, the Department's involvement in the Public Security and Anti-terrorism (PSAT) Initiative is managed within this Portfolio, and includes legislative support and policy development, legal advice and assistance, as well as prosecutions and civil litigation. This also includes a new responsibility for the Attorney General – the protection of sensitive federal government information.

Public Law Sector

Through the Public Law Sector, the Portfolio provides legal advisory services on specialized areas of the law, including constitutional and administrative law, trade law, human rights law, public international law, information law and privacy, and official languages.

Litigation Branch

Through the Litigation Branch, the Portfolio provides functional guidance to ensure the highest quality of representation in the courts and consistency of approach across the country in litigation by or against the Crown. It does so through such mechanisms as the National Litigation Committee, which ensures that the Attorney General's submissions in court reflect the position of the Government of Canada as a whole and not that of a single department on any issue; formal Practice Directives, which set out the position to be adopted by counsel for the Attorney General in specific areas and which define responsibilities of counsel; and the Supreme Court of Canada Committee, which ensures that the oral and written arguments of the Attorney General are of the highest possible quality. The Portfolio also handles litigation by or against the government in a wide range of issues, including constitution, class actions, national security, international legal assistance, and extradition. The Portfolio contributes to the management of legal risks to the government by identifying risks, assessing and communicating them appropriately, and aligning the required resources to correspond to levels of risk.

Legislative Services

Through the Legislative Services Branch, the Department coordinates legislative drafting (bills and regulations) in both official languages to establish the legal

framework for government policies and programs. It also provides related advisory services on legislative matters, including law-making powers and processes, legal terminology, linguistic equivalence and comparative law. Bills and regulations are drafted to respect the Constitution, be compatible with both the civil law and the common law traditions, be understandable and operate coherently and effectively with other related laws. The Branch is also responsible for the publication of federal laws, notably an electronic consolidation of Acts and regulations that is available on the Internet.

Justice Portfolio Planning Highlights

- Defend Canada's interests in trade litigation (e.g., 15 NAFTA chapter 11 investor state claims are expected as well as WTO cases) while respecting its trade and investment obligations.
- Provide legal advice on Constitutional and Administrative Law issues on most aspects of the economic agenda such as: the regulation of banks and securities; the authorities of economic development agencies; the approval of infrastructure projects; jurisdiction over bankruptcy and insolvency; and how the government organizes itself to respond to economic pressures.
- Provide legal advice in relation to increasingly complex privacy and access to information law issues as well as constitutional law issues emanating from the increased usage of the Internet and other technologies, the development of new travel-related security programs, and national security and law enforcement issues (e.g. new passport criteria, Facebook/blogs, creation of new bodies/ mechanisms to review national security activities).
- Provide advice on democratic reform issues, including the tenure and method of appointment of senators and the distribution of seats in the House of Commons.
- Support the government's law-making activities and priorities, including the pursuit of its legislative agenda.
- Ongoing consolidation, revision and publication of statutes and regulations, particularly their harmonization with the Civil Code of Quebec and improvements to their electronic publication.
- Represent the Crown in key litigation, including:
  - ***Raymond Desrochers, et al. v. Department of Industry Canada, et al.*** (Services of equal quality in both official languages);
  - ***Chief Victor Buffalo, Samson Indian Band, Chief John Ermineskin, et al. v. Canada, et al.*** (Trust obligations in relation to the control and management of Band moneys);
  - ***Attorney General of Canada v. Attorney General of Québec*** (Constitutional validity of *Assisted Human Reproduction Act*);
  - ***Vidéotron Ltée et al. v. Canada et al.*** (Constitutional validity of CRTC's Part II licences fees); and
  - ***MiningWatch Canada v. Canada et al.*** (Authority under section 21 of the *Canadian Environmental Assessment Act* to downgrade a comprehensive study assessment to a screening level assessment).

Program Activity C1: Internal Services

Human Resources (FTEs) and Planned Spending ($ millions)

2009–2010		2010–2011		2011–2012	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
1,512	110.4	1,512	109.4	1,512	109.1

Summary

This program activity supports the Department's two strategic outcomes. Internal Services are groups of related activities and resources that support the needs of programs and other corporate obligations of an organization. Treasury Board Secretariat has developed standardized categories that all federal organizations use for reporting on internal services. These categories are:

- Governance and Management Support, which consists of:
  - Management and Oversight Services;
  - Communications Services; and
  - Legal Services.
- Resource Management Services, which consists of:
  - Human Resources Management Services;
  - Financial Management Services;
  - Information Management Services;
  - Information Technology Services; and
  - Travel and Other Administrative Services.
- Asset Management Services, which consists of:
  - Real Property Services;
  - Materiel Services; and
  - Acquisition Services.

Internal Services include only those activities and resources that apply across an organization, representing indirect overhead, and not those services provided directly to a specific program area.

Internal Services Planning Highlights

- Continue to make concrete progress in renewing the departmental legal practitioner workforce;
- Support the development and implementation of standardized legal service agreements across government.
- In partnership with other federal departments, develop performance measurement tools for alternative dispute resolution; and
- Address issues stemming from the results of MAF Round VI.

SECTION III – SUPPLEMENTARY INFORMATION

List of Tables

The following tables are available online through the Treasury Board Secretariat Web site:

- Details on Transfer Payment Programs
- Green Procurement
- Sustainable Development Strategy
- Horizontal Initiatives
- Internal Audits
- Evaluations
- Sources of Respendable and Non-Respendable Revenue

Other Items of Interest

The following information is available on the Department of Justice website:

- Canada's System of Justice:
  http://canada.justice.gc.ca/eng/dept-min/pub/just/
- Canada's Consolidated Statutes and Regulations:
  http://laws.justice.gc.ca/en/index.html
- Department of Justice Organizational Chart:
  http://canada.justice.gc.ca/eng/dept-min/chart.html
- Department of Justice Programs and Initiatives:
  http://canada.justice.gc.ca/eng/pi/index.html
- Key Publications:
  http://canada.justice.gc.ca/eng/dept-min/pub/index.asp
- Careers at Justice:
  http://canada.justice.gc.ca/eng/dept-min/recru/index.html

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